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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,729	02/20/2004	Osamu Fukawatase	118081	3638

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EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,729

Applicant(s)

FUKAWATASE ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/18/04, 7/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe how “a force at which the lower limb restraining device is moved in an occupant lower limb direction is smaller than a force at which the lower limb of the occupant is restrained.” The specification merely states this however, it is not disclosed how this is to be achieved.
4. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not

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describe how to move the restraining device at a force smaller than a force at which the limb is to be restrained. It is not known what sort of force to move the device at, or how to assure that this force is smaller, how to calculate the force, or even what the force is. The specification does not describe how to make the device in order to meet this requirement.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the main body portion". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DT 25 37 212 A1 in view of Medovsky et al. (US 2004/0046377).

2537212 discloses an occupant protection apparatus for a vehicle comprising a lower limb restraining device (10); a driving device (19), a stopping mechanism (26; see also Abstract translation). The main body portion has left and right lower sections (i.e., each side).

2537212 does not show a deceleration detection device.

Meduvsky et al. teaches a knee bolster with a deceleration detection device (see paragraph 0031).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify 2537212 with the teachings of Meduvsky et al. in order to accurately predict when it is required to activate the knee protection device to protect the occupant.

While it appears that the knee protection device of 2537212 would activate with a force smaller than the force at which the lower limb is restrained, if it is found that it is not, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify 2537212 to activate the knee protection device at a force smaller than the force at which the lower limb is restrained in order to avoid an overly high force that might cause unnecessary harm to the lower limb.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshibumi (JP 04197847).

Yoshibumi discloses an occupant protection device with a lower limb restraining device (5) and driving device (47), but does not clearly describe the force at which the device is moved.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshibumi in order to provide the actuators to activate with a force to move the restraining device lower than the force at which the occupant is restrained in order to better

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protect the occupant by avoiding an overly high force that might cause unnecessary harm to the lower limb.

10. Claims 2-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshibumi in view of Hironori (JP 2000-326825).

Yoshibumi is discussed above but does not show a stopping device.

Hironori teaches an occupant restraint device comprising a one-way lock mechanism (9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshibumi with the teachings of Hironori to provide a lock device on the knee bolster in order to better support the occupant.

11. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshibumi in view of Wang et al. (US 6,910,558).

Yoshibumi is discussed above but does not show a stopping device.

Wang et al. teaches self-locking mechanism for a telescoping column comprising a one-way ball lock (see Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshibumi with the teachings of Wang et al. to provide a lock device on the knee bolster in order to better support the occupant.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Borde et al. shows a lower limb protective device. Browne et al. shows a knee

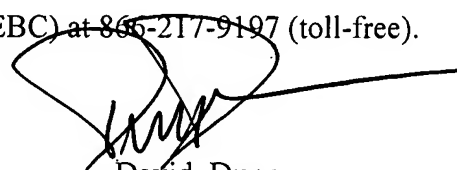
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bolster of interest. Fukawatase et al. shows a knee bolster device. Behr et al. shows a self-adjusting knee bolster.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616